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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/414,701 10/08/99 NALLY M 41920-00660

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EXAMINER

PIERCE, W

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

09/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/414,701

Applicant(s)
Nally et al.

Examiner
William M. Pierce

Group Art Unit
3711



☒ Responsive to communication(s) filed on Oct 8, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152


WILLIAM M. PIERCE
PRIMARY EXAMINER

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Queiros.

Claims 1-3 are clearly shown. With respect to claims 4 and 6, indicators 590 of Queiros are considered to be "a plurality of symbols located on said reinforcing tape" and their movement acts as a means for emphasizing one of the symbols.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Queiros in view of Green.

Queiros fails to show an LED display. LED scoring devices are old to the art of games. One example of such is Green. To have replaced the scoring device of Queiros with one containing an LED display would have been an obvious matter of replacing one known scoring device for that of another.

Art Unit:

5. Claim 9-12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Queiros in view of Pettis.


Queiros fails to show a planar surface with a slidable indicator. Such scoring devices are old to the art of games. One example of such is Pettis. To have replaced the scoring device of Queiros with that of Pettis would have been an obvious matter of replacing one known scoring device for that of another. Attaching scoring devices to game apparatus is known in the art. To have attached the device of Pettis to the reinforcing tape would have been an obvious matter of design choice. Applicant has not shown this position on the apparatus to be critical to the claimed invention by solving any particular problem or producing any unexpected results.

6. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While the prior art appears to teach fastening scoring devices to the game apparatus, it does not fairly teach a symbol indicating means with a void that is slidably attached to the reinforcing tape.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yiu, Posey and Hierath show scoring devices.

8. Any inquiry concerning this communication should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (703) 308-3551.



WILLIAM M. PIERCE
PRIMARY EXAMINER